

**THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF COUNCIL
OPEN SESSION**

CL 5-2020

Thursday, March 26, 2020

Council Chamber

Niagara Region Headquarters, Campbell West

1815 Sir Isaac Brock Way, Thorold, ON

Council Members Present in the Council Chamber:	Bradley (Regional Chair), Butters, Bylsma, Campion, Chiocchio, Darte, Diodati, Fertich, Foster, Gibson, Huson, Ip, Jordan, Junkin, Nicholson, Sendzik, Steele, Whalen, Witteveen, Zalepa
Council Members Present via Teleconference:	Bellows, Disero, Easton, Edgar, Greenwood, Heit, Insinna, Redekop, Rigby, Ugolini, Villella
Absent/Regrets:	Gale
Staff Present in the Council Chamber:	D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, Dr. M. M. Hirji, Acting Medical Officer of Health, A. Jugley, Commissioner, Community Services, V. Kuhns, Acting Director, Economic Development, F. Meffe, Director, Human Resources, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer, B. Zvaniga, Interim Commissioner, Public Works

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 6:32 p.m.

The Chair advised, that in consideration of there being a number of Councillors participating in the meeting electronically, that some procedural changes had been made to the meeting format. He noted that Council would be dispensing with the singing of O' Canada, the Land Acknowledgment Statement and the Moment of Silence (Agenda Items 2 through 4). Chair Bradley advised that Councillors would not be required to stand in order to ensure those participating electronically were able to hear.

5. ADOPTION OF AGENDA

5.1 Addition of Items

Councillor Sendzik withdrew his motion respecting Climate Summit (Agenda Item 14.1).

5.2 Changes in Order of Items

Councillor Foster requested the order of the agenda be amended to move consideration of his motion respecting Chief Administrative Officer Recruitment Process (Agenda Item 14.2) to immediately before Committee Reports (Agenda Item 12).

Moved by Councillor Steele
Seconded by Councillor Nicholson

That Council Agenda CL 5-2020, **BE ADOPTED**, as amended.

Carried

6. **DISCLOSURES OF PECUNIARY INTEREST**

Councillor Nicholson declared an indirect pecuniary interest with respect to the portion of the Public Health and Social Service Committee minutes PHSSC 3-2020 (Agenda Item 12.3) concerning Correspondence Item COM-C 10-2020, respecting Niagara Regional Housing Letter - Request for Support - Landlord and Tenant Board (Agenda Item 5.4), as he operates a legal practice that often represents clients with matters before the Landlord and Tenant Board.

See Minute Item 17.

7. **PRESENTATIONS**

There were no presentations.

8. **CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS**

The Regional Chair provided an update to Council respecting how Niagara Region is working to address the global Coronavirus Pandemic in Niagara.

9. **DELEGATIONS**

There were no delegations.

10. **ADOPTION OF MINUTES**

Council Minutes CL 3-2020, Thursday, February 20, 2020 (Regular meeting)
Council Minutes CL 4-2020, Thursday, March 18, 2020 (Special meeting)

Moved by Councillor Ip
Seconded by Councillor Butters

That Minutes CL 3-2020 being the Open and Closed Session minutes of the Regular Regional Council meeting held on Thursday, February 20, 2020 and Minutes CL 4-2020 being the Open Session minutes of the Special Regional Council meeting held on Wednesday, March 18, 2020, **BE ADOPTED.**

Carried

11. CORRESPONDENCE

11.1 Receive and/or Refer

Moved by Councillor Zalepa
Seconded by Councillor Gibson

That the following items **BE DEALT WITH** as follows:

CHR 1-2020 respecting Importance of Maintaining Confidentiality in Closed Session **BE RECEIVED;**

CL-C 10-2020 respecting Update on Niagara Region's Advocacy Priorities, State of the Region **BE RECEIVED;**

CL-C 11-2020 respecting Options for Investigation into Leaks of Confidential Information **BE RECEIVED;**

CL-C 12-2020 respecting Supplemental Information respecting Whistleblower Policy (Appendix 1 to Report CLK 4-2020) **BE RECEIVED;**
and

CL-C 14-2020 respecting Bill 2020-16 - a By-law to amend By-law 120-2010, The Procedural By-law **BE RECEIVED.**

Carried

Councillor Information Request(s):

Provide a list of those municipalities with whistleblower policies that include provisions related to vendors, suppliers and/or third parties.
Councillor Nicholson.

11.2 For Consideration

11.2.1 CL-C 13-2020

Report PW 2-2020 - Implementation of Automated Speed Enforcement

Moved by Councillor Nicholson
Seconded by Councillor Darte

That Correspondence Item CL-C 13-2020, being a memorandum from C. Ryall, Director, Transportation Services, dated March 26, 2020, respecting Revised Report PW 2-2020– Implementation of Automated Speed Enforcement **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **AUTHORIZE** the use of automated speed enforcement technology on Regional roads for a five-year contract term with an option to extend for an additional five (5) years;
2. That the Interim Commissioner of Public Works **BE AUTHORIZED** to negotiate, enter into and execute an operating agreement with Her Majesty the Queen in Right of Ontario, as represented by the Ministry of Transportation (the "MTO") of Ontario for the use of automated speed enforcement technology by Niagara Region including the access and use of license plate registration information subject to successful negotiations with the Local Area Municipalities with respect to the Niagara Region Courts Inter-Municipal Agreement;
3. That the Interim Commissioner of Public Works **BE AUTHORIZED** to negotiate, enter into and execute an operating agreement with Redflex Traffic Systems (Canada) Limited to provide automated speed enforcement service for five (5) years from date of award during the second quarter of 2020 to 2024 in the amount of an upset limit of \$950,000 (including 13% HST) with an option to renew on the sole discretion of the Commissioner of Public Works, and subject to budget approval, for one additional term of five (5) years subject to successful negotiations with the Local Area Municipalities with respect to the Niagara Region Courts Inter-Municipal Agreement;
4. That the Interim Commissioner of Public Works **BE AUTHORIZED** to negotiate, enter into and execute a partnering agreement with the City of Toronto for processing automated speed infractions at the Joint Processing Center; and

5. That following implementation of recommendations 1-4, Regional Staff will review the implementation strategy, including technology assessment, safety and educational evaluation, impacts on the Region's Provincial Offences Courts, countermeasures, and budget and revenue to cover the five (5) year period of 2020-2024 and **REPORT BACK** to Council with an update late 2020.

Carried

14. MOTIONS

14.2 Chief Administrative Officer Recruitment

Moved by Councillor Foster
Seconded by Councillor Ip

Whereas we are living in and dealing with extraordinary events with the current COVID-19 pandemic;

Whereas business continuity is of prime concern to Niagara Region at this time;

Whereas that safety is important to all members of Council, staff and the public in general;

Whereas on February 20, 2020, Regional Council approved Report HR 01-2020 Revised, which provided staff authorization to proceed with the recruitment of a Chief Administrative Officer in accordance with the Procedure - Chief Administrative Officer - Recruitment, Selection, and Offer of Employment.

NOW THEREFORE BE IT RESOLVED:

1. That the Chief Administrative Officer recruitment process **BE DELAYED** until such time as the pandemic situation has been appropriately resolved so that the Council of the Region of Niagara can focus on this important process.

Carried

12. COMMITTEE REPORTS - OPEN SESSION

12.1 Committee of the Whole

Minutes COTW 1-2020, Thursday, February 27, 2020

Moved by Councillor Butters
Seconded by Councillor Jordan

That Report COTW 1-2020 being the Open Session minutes of the Committee of the Whole meeting held on Thursday, February 27, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

12.2 Public Works Committee

Minutes PWC 3-2020, Tuesday, March 10, 2020

Moved by Councillor Rigby
Seconded by Councillor Steele

That Report PWC 3-2020 being the Open Session minutes of the Public Works Committee meeting held on Tuesday, March 10, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**, save and except Minute Item 5.1.

Carried

12.3 Public Health and Social Services Committee

Minutes PHSSC 3-2020, Tuesday, March 10, 2020

Moved by Councillor Chiocchio
Seconded by Councillor Jordan

That Report PHSSC 3-2020 being the Open and Closed Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, March 10, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

12.4 Corporate Services Committee

Minutes CSC 3-2020, Wednesday, March 11, 2020

Moved by Councillor Foster

Seconded by Councillor Junkin

That Report CSC 3-2020 being the Open and Closed Session minutes of the Corporate Services Committee meeting held on Wednesday, March 11, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**, save and except Minute Item 5.2.

12.4.1 Minute Item 5.3 respecting Policy Update - Whistleblower Policy, Code of Ethics-Conflict of Interest Policy, and Recruitment and Selection Policy

The recommendation contained in Minute Item 5.3 was considered separately as follows:

That Report CLK 4-2020, dated March 11, 2020, respecting Whistleblower Policy, Code of Ethics-Conflict of Interest Policy, and Recruitment and Selection Policy, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Whistleblower Policy (Appendix 1 to Report CLK 4-2020) **BE APPROVED**;
2. That the updated Policy C-A-007 Code of Ethics - Conflict of Interest (Appendix 2 to Report CLK 4-2020), **BE APPROVED**; and
3. That the updated Policy C-HR-010 Recruitment and Selection (formerly Employment and Staffing) (Appendix 3 to Report CLK 4-2020) **BE APPROVED**.

Moved by Councillor Nicholson
Seconded by Councillor Bylsma

That section 1.3 of the Whistleblower Policy (Appendix 1 of Report CLK 4-2020) **BE AMENDED** to read as follows:

Employee	Supervisor, Manager, Director
Supervisor or Manager	Director
Director	Commissioner or CAO
Commissioner	CAO or Regional Clerk
Regional Clerk	CAO
CAO	Regional Chair <i>or Regional Councillor</i>

The meeting recessed at 7:10 p.m.

The meeting resumed at 7:28 p.m.

The following friendly **amendment** was accepted by the Regional Chair, and the mover and seconder of the motion:

Employee	Supervisor, Manager, Director
Supervisor or Manager	Director
Director	Commissioner or CAO
Commissioner	CAO or Regional Clerk
Regional Clerk	CAO
CAO	Regional Chair <i>or Regional Clerk</i>

Moved by Councillor Rigby
Seconded by Councillor Bellows

That the Whistleblower Policy (Appendix 1 of Report CLK 4-2020)
BE REFERRED to the Corporate Services Committee for further
review and discussion.

Defeated

The Regional Chair called the vote on the amendment as follows:

That section 1.3 of the Whistleblower Policy (Appendix 1 of Report
CLK 4-2020) **BE AMENDED** to read as follows:

Employee	Supervisor, Manager, Director
Supervisor or Manager	Director
Director	Commissioner or CAO
Commissioner	CAO or Regional Clerk
Regional Clerk	CAO
CAO	Regional Chair or Regional Clerk

Recorded Vote:

Yes: (25) Bellows, Butters, Bylsma, Campion, Chiocchio, Darte,
Diodati, Disero, Edgar, Fertich, Foster, Gibson, Greenwood, Huson,
Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Sendzik, Steele,
Ugulini, Villella, Whalen.

No (4): Heit, Rigby, Witteveen, Zalepa.

Carried

Moved by Councillor Redekop
Seconded by Councillor Butters

That section 1.4 of the Whistleblower Policy (Appendix 1 of Report CLK 4-2020) **BE AMENDED** to read as follows:

Bullet #1: "No person shall ***engage in a reprisal*** ~~reprise~~ against a Niagara Region employee acting in good faith for".

Carried

The Regional Chair called the vote on the motion as amended, as follows:

That Report CLK 4-2020, dated March 11, 2020, respecting Whistleblower Policy, Code of Ethics-Conflict of Interest Policy, and Recruitment and Selection Policy, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Whistleblower Policy (Appendix 1 to Report CLK 4-2020) **BE APPROVED**, as amended;
2. That the updated Policy C-A-007 Code of Ethics - Conflict of Interest (Appendix 2 to Report CLK 4-2020), **BE APPROVED**; and
3. That the updated Policy C-HR-010 Recruitment and Selection (formerly Employment and Staffing) (Appendix 3 to Report CLK 4-2020) **BE APPROVED**.

Carried

12.4.2 Balance of the recommendations from Corporate Services Committee

The Regional Chair called the vote on the balance of the recommendations from the Corporate Services Committee and declared it,

Carried

12.5 Planning and Economic Development Committee

Minutes PEDC 3-2020, Wednesday, March 11, 2020

Moved by Councillor Heit
Seconded by Councillor Zalepa

That Report PEDC 3-2020 being the Open Session minutes of the Planning & Economic Development Committee meeting held on Wednesday, March 11, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

13. **CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)**

There were no Chief Administrative Officer's Reports.

14. **MOTIONS**

14.1 Climate Summit

Councillor Sendzik withdrew this motion given the current COVID-19 pandemic situation and noted he would bring it to a future meeting.

15. **NOTICES OF MOTION**

There were no notices of motion.

16. **OTHER BUSINESS**

At this point in the meeting Councillors were provided an opportunity to ask questions respecting the COVID-19 pandemic.

17. **CLOSED SESSION**

Councillor Campion declared an indirect pecuniary interest with respect to the portion of the Corporate Services Committee minutes (Agenda Item 12.4) concerning Confidential Verbal Update, respecting a Matter Respecting Litigation and a Matter of Advice that is Subject to Solicitor-Client Privilege under s. 239(2) of the *Municipal Act*, 2001 - Application for Judicial Review - Niagara Home Builders' Association, as the City of Welland is named in the filing and he is the Mayor of the City of Welland.

Council did not resolve into closed session.

18. **BUSINESS ARISING FROM CLOSED SESSION**

Council did not resolve into closed session.

19. BY-LAWS

Moved by Councillor Darte
Seconded by Councillor Nicholson

That the following Bills **BE NOW READ** and **DO PASS**:

Bill 2020-14

A by-law to provide for the regulation of traffic on Regional Highways.

Bill 2020-15

A by-law to provide for the regulation of traffic on Regional Highways in the City of St. Catharines.

Bill 2020-16

A by-law to amend By-law 12-2020, The Procedural By-law and to repeal By-law 2020-11.

Bill 2020-17

A by-law to adopt, confirm and ratify the actions of Regional Council at its meeting held on March 26, 2020.

Two-thirds majority having been achieved, the Regional Chair declared the vote,

Carried

20. ADJOURNMENT

There being no further business, the meeting adjourned at 8:32 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk